

Remarks/Arguments:

Claims 1-16 are pending. All claims are rejected.

Claims 1-11, and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al. The ground for rejection is respectfully traversed.

Silva, Jr. et al. is not prior art as defined under 35 U.S.C. § 102(e) because the filing date of Silva, Jr. et al is April 9, 2001. The filing date of the subject application is October 31, 2000. It is assumed, therefore, that the ground for rejection is based on the provisional application no. 60/195,248 filed on April 7, 2000 from which Silva, Jr. et al. claims priority.

With regard to claim 1, the Office action recites,

"The system of Silva (noting particularly Figs. 1 and 2) includes a receiver 20 capable of receiving digital A/V signals [paragraph 0020] and any of a multitude of various auxiliary data [¶s 0042 and 0043], wherein signals are received at terminal 210 from any of various sources. The auxiliary data is transmitted with the A/V signal [¶s 0054-0056], received at by front-end tuner 201, and the video, audio and auxiliary data are separated for separate processing (noting elements 225, 226, and 227).

Applicants respectfully disagree with this analysis as it pertains to the subject application. Claim 1 of the subject application recites, "...a terminal for applying a data stream to the television receiver, the data stream including a television signal and the auxiliary data;" and "a controller which processes the data stream to extract the auxiliary data;" The provisional application (copy enclosed) does not disclose or suggest the limitations of claim 1. Specifically, the provisional application recites, "Fig. 5 shows a set-top box 500. The set-top box 500 receives TV signals from a TV source 504 such as a cable, satellite, or conventional TV provider." Figure 5 of the provisional application shows two different signals received by the set-top box. The auxiliary data is not received as a part of the A/V signal in Figure 5. Because the provisional application does not disclose the limitations of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al.

With regard to claim 5, claim 5 of the subject application recites:

"A system for processing auxiliary data sent with a digital television signal comprising:

a television receiver for receiving and processing the digital television signal, to provide a processed television signal, and to provide the auxiliary data signal in accordance with a shared data device communications channel protocol;"

The provisional application does not disclose or suggest the limitations of claim 5. Applicants respectfully disagree with examiners analysis as it pertains to the subject application for the same reasons stated above. Because the provisional application does not disclose the limitations of claim 5, claim 5 is not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al.

With regard to claim 9, the objection is overcome by amending claim 9 to recite, "A television receiver comprising: a front end interface for receiving a digital television signal, including auxiliary data, and providing video and audio signals and auxiliary data;" and "...a controller for receiving the video, audio and initialization signals, and auxiliary data and providing data signals and further control signals corresponding to the auxiliary data;" as set forth above, the provisional application does not disclose or suggest the limitations of claim 9. Because the provisional application does not disclose the limitations of claim 9, claim 9 is not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al.

Claims 2-4 depend from claim 1 and are not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al. for at least the same reasons as claim 1.

Claims 6, 7 and 8 depend from claim 5 and are not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al. for at least the same reasons as claim 5.

Claims 10, 11 and 13 depend from claim 9 and are not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al.

Claims 12 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Silva Jr. et al.

As stated above, Silva, Jr. et al. is not prior art as defined under 35 U.S.C. § 102(e). However, it is assumed that the ground for rejection was based on the provisional application filed on April 7, 2000.

As stated above the provisional application does not disclose the limitations of claim 9. Therefore, claim 9 is not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al. Claim 12 depends from claim 9 and is not subject to rejection under 35 U.S.C. § 103(a) as being unpatentable over Silva Jr. et al. for at least the same reasons as claim 9.

With regard to claim 14, claim 14 of the subject application recites:

"A method for transferring auxiliary data from a television receiver to shared data device comprising the acts of:

- a) receiving an initialization signal;
- b) decoding the initialization signal to determine a type of shared data device to receive the auxiliary data;
- c) acquiring a page of the auxiliary data;
- d) formatting the page of auxiliary data in accordance with requirements of the type of shared data device; and
- e) transferring said page of data to said shared data device."

The provisional application does not disclose or suggest the limitations of claim 14. Specifically, the subject application decodes the initialization signal to determine a type of shared data device to receive the auxiliary data. The provisional application teaches sending information to only one data device. (Provisional Application no. 60/195,248, page 8, lines 11-12). The provisional application does not disclose or suggest determining a type of data device. Further, the provisional application does not disclose or suggest the use of a data device being shared. Because the provisional application does not disclose the limitations of claim 14, claim 14 is not subject to rejection under 35 U.S.C. § 102(e) as being anticipated by Silva, Jr. et al.

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Claims 15-16 depend from claim 14 and are not subject to rejection under 35 U.S.C. § 103(a) as being unpatentable over Silva Jr. et al. for at least the same reasons as claim 14.

Respectfully submitted,



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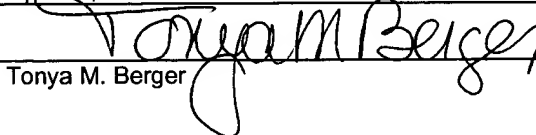
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